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10/629300
CH2890USNA

RESPONSE TO ADVISORY ACTION

COPY OF OFFICE ACTION (DATE MAILED AUGUST 10, 2006)

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Rev. 10/93

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

MAUREEN A. DEFEO ET. AL.

CASE NO.: CH2890USNA

APPLICATION NO.: 10/629300

GROUP ART UNIT: 1755

FILED: JULY 28, 2003

EXAMINER: PATRICIA L. HAILEY

FOR: ALUMINUM TRIHYDRATE CONTAINING SLURRIES

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**RESPONSE TO ADVISORY ACTION OR, IN THE ALTERNATIVE, PETITION TO
THE COMMISSIONER UNDER 37. C.F.R. 1.181**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This letter is in response to the Advisory Action mailed September 20, 2006.

Applicants attach a copy of the Office action mailed August 10, 2006 which shows, in the "Office Action Summary", that the Office action was NON-FINAL. In the Office Action Summary the type-written check mark in box 2a was crossed out by hand and a handwritten check mark was entered in box 2b (non-final), indicating that the Office action was a non-final Office action. Consistent with the Office Action Summary item 2b marked non-final, the attachment identified the rejection as containing a new grounds of rejection. While the rejection of record was maintained, the Examiner's response to applicant's arguments, initiated an amendment responsive to the Examiner's conclusions in order to place the claims in condition for allowance.

An additional indication that the August 10, 2006 Office action was not a final action, is that the Office action did not contain a notice establishing the variable reply period which, under MPEP 710.02(e), must be included in a final rejection.

Thus, Applicants properly responded to the Non-Final Office action on September 13, 2006 with appropriate claim amendments.

Accordingly, withdrawal of the Advisory Action is requested along with entry of the September 13, 2006 Amendment.